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RHMFSS/HQ USAFRICOM STUTTGART GE
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SUBJECT: NIGERIA: ELECTORAL REFORM COMMITTEE REPORT

SUBMITTED

Classified By: Political Counselor Walter Pflaumer for reasons 1.4. (b & d).

¶11. (C) SUMMARY: During a December 11 press event, the Electoral Reform Committee (ERC) presented its final report to President Yar'Adua, citing the Independent National Electoral Commission's (INEC) lack of independence as the key deficiency in the electoral process. Chairman of the ERC, Former Chief Justice Muhammad Lawal Uwais, told Poloff on December 12 that a copy of the report would be available in the near future, but was unwilling to release one to the Mission now. In public remarks during the handover, however, Uwais said recommendations contained in the six volume report included: using a form of proportional representation for legislative elections, allowing independent candidates to stand, and creating three new Commissions to relieve INEC of certain responsibilities. The three new Commissions recommended were: an Electoral Offenses Commission, a Constituency Delimitation Commission, and a Political Parties Registration and Regulatory Commission. Ambassador intends to meet with Chairmen Uwais within the next week to discuss the way forward on the ERC's recommendations. Ambassador will host two NGO roundtables in the coming weeks to get views on this as well as other democracy issues for Nigeria.
END SUMMARY

¶12. (C) The Electoral Reform Committee presented its final report to President Yar'Adua during a December 11 media event. According to press reports, President Yar'Adua stated that his administration "is fully committed to the implementation of the recommendations that have been put forth by this committee." On December 12, Chairman of the ERC, Former Chief Justice Muhammad Lawal Uwais, told Poloff that the six volume report would be available to the public in the near future, but said he did not have the "power" to share it yet. Poloff informed Uwais of Ambassador's hope to meet with him, to which Uwais indicated he would be willing to do.

¶13. (C) Although unable to share the actual report, Uwais confirmed press reports that the committee determined that the lack of "independence" within the Independent National Electoral Commission (INEC) and the State Independent Electoral Commissions (SIECs) is the "key deficiency" in the electoral process. Uwais also said the press reports accurately described the ERC's main recommendations. According to those reports, the recommendations include the introduction of a system of proportional representation for

both legislative and local government elections, the re-introduction of independent candidature, and the creation of three new Commissions that would relieve INEC of certain responsibilities. The three new Commissions recommended include: an Electoral Offenses Commission, a Constituency Delimitation Commission, and a Political Parties Registration and Regulatory Commission. The report allegedly suggested that the creation of these new Commissions would allow INEC to focus solely on voter registration and actual elections. The report also includes texts of draft legislation and, where necessary, constitutional amendments to put all its recommendations into effect.

¶4. (C) COMMENT: We will continue efforts to obtain a complete copy of the ERC's report and recommendations. In the interim, we will intensify engagement with the GON, civil society, and other diplomatic missions on the implementation of key recommendations, particularly those relating to establishing an INEC which is genuinely independent, and competent to do its work. The Ambassador will be hosting two NGO roundtables (in Abuja and Lagos respectively) over the next couple of weeks to get a sense of civil societies views on the recommendations and other democracy issues for Nigeria. We believe the December 12 Supreme Court ruling upholding the election of President Yar'Adua (septel) could create the space necessary to allow the GON to push forward with many of the recommendations put forth by the ERC. We will also examine the recommendations more closely when we get a copy of the report to see how substantive they are.
END COMMENT.

Sanders